

REMARKS

The Office Action, dated May 7, 2008 has been carefully considered and Applicants respectfully request that the Office reconsider the instant application in of any amendments made to the claims and for the remarks presented, herein.

Claims 1-11 are pending and stand rejected. Claims 1, 9 and 11 are independent claims. Claims 1, 9 and 11 have been amended. Claim 2 has been cancelled.

The Office has rejected claims 1-11 as being anticipated, under 35 USC 102(e), by Moller (USPPA 2003/0014653).

In rejecting the independent claim 1, the Office Action refers to paragraph 6 and 7 for teaching the elements recited in claim 1. In rejecting claim 9, the Office Action further refers to paragraphs 5 and 9, and in rejecting claim 11, the Office Action additionally refers to paragraph 12, lines 17-20 and para. 25.

Applicant respectfully disagrees with the reason for the rejection of the claims. However, the independent claims have been amended to provide clarity to the invention claimed in that the claims have been amended to further recite that the protection data provides a level of protection and that the level of protection may only be increased.

Support for the amendment may be found at least on page 6, lines 10-14, which state "[a]n advantageous implementation of protection data PDA uses a password check. It allows an intermediate manufacturer ... with a first level of protection against piracy... In such an embodiment with a password control, the ACCESS_CONTROL bits are used to define a protection level..." in cancelled claim 2 and on page 7, lines 5-15.

Although, claim 2 was rejected based on the cited reference it will be shown that the cited reference fails to disclose the subject matter recited in amended claim 1.

Moller discloses a memory device with data security in a processor including first and second memory portions containing memory blocks that are addressable block-by-block. The first memory block comprises a protection control register containing programmable enabling or disabling information for the individual data interfaces. An interrogation of the protection control register takes place upon power-up. A second and a third memory block store a password that is linked to an encryption and identification program in the memory device. Figure 1 illustrates the PCR and each of the two keys (blocks 5 and 6). Moller discloses that the two keys are used to allow an update of the memory while maintaining at least one valid password during a reprogramming of the memory. As Moller discloses "without this password, decryption of the received data is not possible. During reprogramming, the existing password is replaced by the new password in the second and third memory blocks 5, 6, at different control sections. The second and third memory blocks 5 and 6 are large enough to store further passwords for other encryption programs if necessary."

Hence, Moller discloses the use of passwords that used by a decryption algorithm that allows access to the data. However, Moller fails to disclose that the passwords are associated with a level of protection or that the level of protection can only be increased, as recited in the claims. Rather, Moller discloses that the passwords (or encryption keys) may be replaced after reprogramming and that the keys may be increased to accommodate different encryption algorithms. Thus, Moller may modify the keys and change the number of bits (upward or downward).

However, while be able to modify the number of bits in the key, the level of security may be increased and decreased, Moller fails to disclose that the keys define a

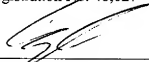
level of protection, as is recited in the claims. In addition, Moller fails to teach that the key may be used to define a level of protection also associated with a hardware scheme.

A claim is anticipated if and only if all the elements recited in the claims are disclosed in a single prior art reference. In this case, Moller cannot be said to anticipate the subject matter claimed in the independent claims, as Moller fails to disclose each of the elements recited therein.

With regard to the remaining claims, these claims dependent from the independent claims and, hence, are also not anticipated by Moller for the same reasons.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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